

# THE CITY OF CLAYTON

Board of Aldermen  
City Hall – 10 N. Bemiston Avenue  
November 10, 2015  
7:00 p.m.

## Minutes

Mayor Pro Tempore Garnholz called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Mark Winings, Joanne Boulton, Alex Berger III, Rich Lintz, and Ira Berkowitz.

Mayor Pro Tempore Garnholz  
City Manager Owens  
City Attorney O'Keefe

Absent: Mayor Sanger

**Alderman Boulton moved to approve the October 27, 2015 minutes. Alderman Winings seconded.**

**The motion to approve the minutes passed unanimously on a voice vote.**

## PUBLIC REQUESTS AND PETITIONS

None

## RECOGNITIONS & AWARDS

City Manager Owens announced that the City has been awarded the Certificate of Excellence from the International City/County Management Association (ICMA) Center of Performance Analytics. The City has received this award for seven consecutive years being recognized along with 20-25 other cities across the county.

## AN ORDINANCE TO CONSIDER APPOINTING CERTAIN BOARD OF DIRECTORS

City Manager Owens reported that on June 9, 2015 the City of Clayton created the 25 North Central Community Improvement District (CID) for the property located at 25 N. Central Avenue, where a recently approved redevelopment project will entail 121 market-rate apartments with first-floor retail. The CID imposes an additional 1% sales tax on restaurant and other retail sales. The CID uses the revenues from the sales tax and special assessment to reimburse the Developer for certain eligible redevelopment costs totaling \$1,500,000.

The CID is governed by a five-member board of directors appointed by the Mayor with the consent of the Board of Aldermen. Only registered voters residing within the CID and the authorized representatives of property owners within the CID may be appointed to the Board of Directors. The initial Board of Directors of the CID was as follows:

Matthew W. Geekie	4 year term
Randall R. Harwood	4 year term
Jason Casey	2 year term
Joe Downs	2 year term

As of October 23, 2015, The CID received resignations from Matthew W. Geekie, Randall R. Harwood, and Jason Casey. The CID is requesting that new appointments be made as follows:

Director	Term Expiration
Mark Winschel	July 8, 2019
Ryan Bumb	July 8, 2019
Kristin Flanery	July 8, 2017

Recommendation is to approve the ordinance.

In response to Mayor Pro Tempore Garnholz's questions, Alderman Berger stated that Joe Downs is a resident of Clayton. Gary Carter clarified that the three appointees are all employees of Opus Development.

**Alderman Winings introduces Bill No. 6529, an ordinance of the City of Clayton, Missouri, approving the appointment of certain board of directors for the 25 North Central Community Improvement District to be read for the first time by title only. Alderman Boulton seconded.**

**City Attorney O'Keefe reads Bill No. 6529, an Ordinance of the City Of Clayton, Missouri, Approving the Appointment of Certain Board of Directors for the 25 North Central Community Improvement District for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Winings moved that the Board give unanimous consent to consideration for adoption of Bill No. 6529 on the day of its introduction. Alderman Boulton seconded.**

**The motion passed unanimously on a voice vote.**

**Alderman Winings introduces Bill No. 6529, an ordinance of the City of Clayton, Missouri, approving the appointment of certain board of directors for the 25 North Central Community Improvement District to be read for the second time by title only. Alderman Boulton seconded.**

**City Attorney O'Keefe reads Bill No. 6529, an Ordinance of the City Of Clayton, Missouri, Approving the Appointment of Certain Board of Directors for the 25 North Central Community Improvement District for the second time by title only.**

**Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Pro Tempore Garnholz – Aye. The bill was adopted and became Ordinance No. 6400 of the City of Clayton.**

#### UPDATE ON THE STATUS OF ONGOING PROJECTS (CRA/GSLIST)

City Manager Owens updated the Board on significant projects that staff plans to complete in the next twelve months. The list of projects currently stands at 120+ items and is organized by the staff member responsible for implementation. The list ranges from public-facing projects such as website enhancements and sidewalk/roadway improvements to behind-the-scenes initiatives including strategic planning and software upgrades. The list is updated regularly by staff and includes some recently completed projects.

#### PRESENTATION ON THE LOCAL SALES TAX ON OUT-OF-STATE VEHICLE SALES

City Attorney O'Keefe provided an update on a court decision which invalidated local sales taxes on vehicles purchased out-of-state, the legislature reinstated this tax for all jurisdictions with local sales taxes. However, the legislation stipulates that each entity levying a sales tax must place on the ballot the question of retaining the use tax on out-of-state vehicle purchases. This election must take place by November 2016. If the City of Clayton fails to place the question on the ballot or if the ballot issue fails, out-of-state vehicle sales tax collections will cease.

The Missouri Department of Revenue, applying a statewide average, has estimated the City of Clayton's sales tax receipts from the purchases of out-of-state vehicle sales. While the actual amount of these Clayton vehicle sales may vary from the estimate, the state's estimate results in a loss of approximately \$136,000 per year if the City does not place this question on the ballot or the ballot issue fails. There is also the potential for an additional \$90,000 in revenue loss if St. Louis County does not place the question on the ballot or their ballot issue fails. The total effect of the loss of this revenue to the City could be approximately \$226,000 per year.

The St. Louis County Municipal League Board believes that a coordinated effort to pass this proposal in all municipalities and the county would be beneficial as voters would all be receiving the same message at the same time. The ballot date of this coordinated effort is currently planned for April 2016, leaving August and November of 2016 as additional election dates should the proposal fail. To hold an election on this issue in April 2016, the City would need to pass an ordinance to place the issue on the ballot prior to January 26<sup>th</sup>.

The Municipal League will be working during the fall, perhaps with a campaign consultant, to develop educational campaign materials on this issue that can be used countywide.

The Mayor Pro Tempore and Board of Aldermen were all in agreement to consider the ordinance to place the issue on the April ballot at the next Board meeting scheduled December 8, 2015.

#### Other

Alderman Winings gave an update on the Plan Commission/ARB:

1. The Commission frequently reviews and approves requests for the construction of new homes, but there are times when those requests are not approved. During the last meeting a request for new home construction generated a lot of negative feedbacks and therefore the Commission members did not vote; Central Presbyterian Church was granted another extension of their project; and a conceptual review for a mixed-use development for the old Schnucks' site is scheduled for the November 16 meeting.

Alderman Boulton reported on the following:

1. The UERF members have suggested changing their meeting time.
2. Parks and Recreation Commission had a lively discussion on the youth sports programs; there are 2,000 plus participants; Patty DeForrest provided an update on the Master Plan and the projects.

Alderman Berger reported on the following:

1. The CRSWC Finance Committee discussed its capital plan development, there were representatives from the School District of Clayton and staff from the City as well as the School; Patty DeForrest developed an outline that is coherent with a comprehensive methodology; the plan also includes a survey of its members; the next meeting is scheduled November 20.
2. NUERF Board had a spirited in-depth conversation with the City's actuary with a lot of questions around funding; they will continue to look into what is the best methodology; he attended a six hour pension training class today.

Mayor Pro Tempore Garnholz reported on the following:

1. Thanked the Police Department staff on its smooth handling of the recent demonstration.
2. Kudos to staff for the City Hall Halloween Party – fun and a good turn out.

**Alderman Berkowitz moved that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO. Alderman Lintz seconded the motion.**

**Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Pro Tempore Garnholz – Aye.**

There being no further business the meeting was adjourned at 7:40 p.m.

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Mayor

ATTEST:

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City Clerk